

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

FLATWING PHARMACEUTICALS, LLC and
MYLAN PHARMACEUTICALS, INC.,
Petitioners,

v.

ANACOR PHARMACEUTICALS, INC.,
Patent Owner.

Case No. IPR2018-00171¹

U.S. Patent No. 9,572,823

JOINT REQUEST FOR ORAL ARGUMENT

January 25, 2019

¹ Case No. IPR2018-01361 has been joined with this proceeding.

Pursuant to 37 C.F.R. § 42.70(a) and the Board’s Scheduling Order (Paper 10), Petitioner FlatWing Pharmaceuticals, LLC and Patent Owner Anacor Pharmaceuticals, Inc. (“the Parties”) respectfully request Oral Argument, currently set for March 1, 2019. Counsel for Petitioner Mylan Pharmaceuticals, Inc. in the joined proceedings does not object to this joint request. The Parties specify, without intent to waive consideration of any issue not listed below, the following issues for argument:

1. Unpatentability “with respect to all grounds set forth in the Petition, as indicated in the *Institution Decision* at 15-16, Paper No. 9, June 14, 2018, including but not limited to all issues raised as to invalidity in the Petition (Paper No. 1, Nov. 21, 2017), Patent Owner’s Response (Paper No. 13, Sept. 7, 2018, Petitioner’s Reply (Paper No. 19, Dec. 7, 2018), Patent Owner’s to-be-filed Surreply (Jan. 25, 2019), and any and all other issues raised by Petitioner or Patent Owner in the Papers and Exhibits filed in this proceeding, including but not limited to the testimonies of Dr. Stephen Kahl (Exhibits 1003, 1047, and 2017), Dr. S. Narasimha Murthy (Exhibits 1005, 1048, 2002, and 2018), Dr. Paul J. Reider (Exhibits 1045 and 2013), Dr. Majella E. Lane (Exhibits 1044 and 2014), and all other exhibits in this proceeding (to the extent not excluded);
2. Any motions or observations in this proceeding; and
3. Rebuttal arguments and evidence offered by Patent Owner.

Requested Argument Duration

The Parties have conferred regarding the time for oral argument and agree that each side shall request forty-five (45) minutes of respective argument time.

The Parties further request that this oral argument be consolidated with oral argument for IPR2018-00168, IPR2018-00169, IPR2018-00170 (and IPR2018-01358, IPR2018-01359, IPR2018-01360), with forty-five (45) minutes total being allowed per side to address all the listed cases.

Equipment Request

The Parties request the ability to use audio/visual equipment to display demonstrative exhibits, including any equipment required to allow viewing by any remote Judge.

No Request for Different Venue

The Scheduling Order raises the question of the place of oral argument. The Parties do not seek a change to the San Jose regional office and plan for oral argument at the USPTO headquarters in Alexandria, Virginia.

Respectfully submitted,

Dated: January 25, 2019

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of the foregoing document was served via electronic mail on the following attorneys of record:

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On this the 25th day of January 2019.

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